

IN THE UNITED STATES DISTRICT COURT
FOR THE OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

) No. MD-15-02641-PHX-DGC

) Civil Action No. 2:16-CV-00953-DGC

This Document Relates to: Cindy McKinzie

) **PLAINTIFF'S AMENDED MASTER**
) **SHORT FORM COMPLAINT FOR**
) **DAMAGES FOR INDIVIDUAL CLAIMS**
) **AND JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (doc. 364).
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Florence Edwards

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Cindy McKinzie

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Cindy McKinzie, administrator

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of the injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

1 Texas

2 7. District Court and Division in which venue would be proper absent direct
3 filing:

4 Western District of Texas – Austin Division

5 8. Defendants (check Defendants against whom Complaint is made):

6 X C.R. Bard Inc.

7 X Bard Peripheral Vascular, Inc.

8 9. Basis of Jurisdiction:

9 X Diversity of Citizenship

10 ☐ Other: _____

11 a. Other allegations of jurisdiction and venue not expressed in Master
12 Complaint:

13 _____
14 _____
15 _____

16 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
17 claim (Check applicable Inferior Vena Cava Filter(s)):

18 X Recovery® Vena Cava Filter

19 ☐ G2® Vena Cava Filter

20 ☐ G2® Express (G2® X) Vena Cava Filter

21 ☐ Eclipse® Vena Cava Filter

22 ☐ Meridian® Vena Cava Filter

23 ☐ Denali® Vena Cava Filter

24 ☐ Other: _____

25 11. Date of Implantation as to each product:

26 On or about April 12, 2005

27 _____

28 12. Counts in the Master Complaint brought by Plaintiff(s):

- 1 X Count I: Strict Products Liability – Manufacturing Defect
- 2 X Count II: Strict Products Liability – Information Defect (Failure to
- 3 Warn)
- 4 X Count III: Strict Products Liability – Design Defect
- 5 X Count IV: Negligence – Design
- 6 X Count V: Negligence – Manufacture
- 7 X Count VI: Negligence – Failure to Recall/Retrofit
- 8 X Count VII: Negligence – Failure to Warn
- 9 X Count VIII: Negligent Misrepresentation
- 10 X Count IX: Negligence *Per Se*
- 11 X Count X: Breach of Express Warranty
- 12 X Count XI: Breach of Implied Warranty
- 13 X Count XII: Fraudulent Misrepresentation
- 14 X Count XIII: Fraudulent Concealment
- 15 X Count XIV: Violation of Applicable Texas
- 16 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 17 Practices
- 18 X Count XV: Loss of Consortium
- 19 X Count XVI: Wrongful Death
- 20 X Count XVII: Survival
- 21 X Punitive Damages
- 22 ☐ Other(s): All claims for relief set forth in the Master Complaint for
- 23 an amount to be determined by the trier of fact.
- 24 _____
- 25 _____
- 26 _____
- 27 _____
- 28 _____

1
2 13. Jury Trial demanded for all issues so triable?

3 X Yes

4 ☐ No

5
6 RESPECTFULLY SUBMITTED November 29, 2016.

7
8 By: /s/ Richard S. Lewis

9 Richard S. Lewis

10 Steve Rotman

11 Braden Beard

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20
21 **CERTIFICATE OF SERVICE**

22 I hereby certify that on November 29, 2016, I electronically transmitted the
23 attached document to the Clerk's Office using the CM/ECF System for filing and
24 transmittal of a Notice of Electronic Filing.

25
26 /s/ Richard S. Lewis

27 Richard S. Lewis